

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

CERTICOM CORP. and CERTICOM	§	
PATENT HOLDING CORP.,	§	
	§	
Plaintiff,	§	Civil Action No. 2-07-CV-216(TJW)
	§	
v.	§	
	§	
SONY CORPORATION, SONY	§	
CORPORATION OF AMERICA, SONY	§	
COMPUTER ENTERTAINMENT INC.,	§	
SONY COMPUTER ENTERTAINMENT	§	
AMERICA INC., SONY PICTURES	§	
ENTERTAINMENT INC., SONY	§	
ELECTRONICS INC. and SONY DADC	§	
US INC.,	§	
	§	
Defendants.	§	
	§	

**CERTICOM'S UNOPPOSED AMENDED APPLICATION FOR COMMISSION TO  
TAKE ORAL DEPOSITION OF JAPANESE WITNESSES**

NOW COMES Certicom Corp. and Certicom Patent Holding Corp. (collectively, "Certicom"), and pursuant to Article 17 of the United States-Japan Consular Convention, requests that the Court issue a Commission for the Taking of Voluntary Oral Depositions of the following listed individuals at the United States Consulate General in Tokyo, Japan, commencing on or about February 2, 2009 at 8:30 a.m. and terminating on or about February 13, 2009 at 5:00 p.m.

1. Masato Hattori
2. Satoshi Kitani
3. Katsumi Muramatsu
4. Tomoyuki Asano

The attorneys participating for Plaintiffs in the depositions will be from the law firm Ropes & Gray LLP of New York, New York, and attorneys for the Defendants who will participate in said depositions are from the law firm of Kenyon & Kenyon LLP in New York, New York. An amended list of the attendees is attached as Exhibit 1 to this application.

WHEREFORE, ALL PREMISES CONSIDERED, Plaintiffs request that a Commission be issued by the Court pursuant to Article 17 of the United States-Japan Consular Convention.

Respectfully submitted,

Dated: January 14, 2009

ROPES & GRAY LLP

By: 

Robert C. Morgan (admitted *pro hac vice*)  
Laurence S. Rogers (admitted *pro hac vice*)  
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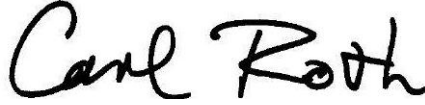
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*Attorneys for Plaintiffs Certicom Corp. and  
Certicom Patent Holding Corp.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 14th day of January, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

A handwritten signature in black ink that reads "Carl Roth". The signature is written in a cursive, slightly stylized font. The "C" is large and loops around the "a", and the "R" is also large and loops around the "o". The "t" is smaller and ends in a short horizontal stroke. The "h" is written with a simple vertical stroke and a small loop at the top.

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Carl R. Roth

## EXHIBIT 1

List of Attendees for Depositions of Sony Witnesses  
United States Consulate General in Tokyo, Japan  
Commencing on or about February 2, 2009 at 8:30 am and  
Terminating on or about February 13, 2009 at 5:00 pm

### For Plaintiffs Certicom Corp. and Certicom Patent Holding Corp.:

1. Robert Morgan (attorney)
2. James Hopenfeld (attorney)
3. Adam Stein (attorney)
4. Hiroyuki Hagiwara (attorney)
5. Khue Hoang (attorney)
6. Kaede Toh (attorney)
7. Matthew Traupman (attorney)
8. Christopher Carroll (attorney)
9. Megan Raymond (attorney)
10. Junko Hirota (attorney)
11. Chris K. Karlof (expert)
12. Jodi Harmon (court reporter)
13. Tracey Spataro Lo Castro (court reporter)
14. Melanie Louise Giamarco (court reporter)
15. Debra Deanna Duran (court reporter)
16. Tanya Ward English (court reporter)
17. Daniel Dean Harrington (videographer)
18. Paul B. Diserio (videographer)
19. Bruce Holcombe (official interpreter)
20. Cassandra Elizabeth Ellis (court reporter)
21. Joseph Ellis (videographer)

### For Defendants Sony Corp., Sony Corp. of America, Sony Computer Entertainment Inc., Sony Computer Entertainment America Inc., Sony Pictures Entertainment Inc., Sony Electronics Inc. and Sony DADC US Inc.:

1. John Flock (attorney)
2. Philip J. McCabe (attorney)
3. Michelle Carnaiux.(attorney)
4. Paul T. Qualey (attorney)
5. Victor J. Castellucci (attorney)
6. Zaed M. Billah (attorney)
7. Shahar Harel (attorney)
8. Lupco Popovski (attorney)
9. Jennifer Liu (attorney)
10. Tandy Cy Walker (attorney)
11. Ingrid Leverett (legal)
12. Yoko Yamamoto (check interpreter)